

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENERPOL, LLC,

Plaintiff,

V.

SCHLUMBERGER TECHNOLOGY
CORPORATION,

Defendant.

SCHLUMBERGER TECHNOLOGY
CORPORATION,

Counterclaim Plaintiff,

V.

ENERPOL, LLC,

Counterclaim Defendant.

Civil Action No. 2:17-cv-394-JRG

JURY TRIAL DEMANDED

**SCHLUMBERGER TECHNOLOGY CORPORATION'S
PRELIMINARY PROPOSED CONSTRUCTIONS AND IDENTIFICATION OF
EXTRINSIC EVIDENCE PURSUANT TO P.R. 4-2**

Pursuant to the Court’s Docket Control Order (D.I. 34) and the Eastern District of Texas’s Local Patent Rule 4-2(a), Defendant and Counterclaim-Plaintiff Schlumberger Technology Corporation (“Schlumberger”) hereby provides to EnerPol, LLC (“EnerPol”) its list of preliminary proposed constructions and preliminary identification of extrinsic evidence for each claim term, phrase, or clause from the asserted claims of U.S. Patent No. 6,949,491 that

either party has proposed be construed. The citations to the claims below are provided for convenience only and should not be construed as limiting in any way.

Schlumberger bases its preliminary proposed constructions upon its current knowledge, understanding, and beliefs as to the facts and information available as of this date. As Schlumberger has not yet completed its investigation, collection of information, or discovery relating to this action, and has not received EnerPol's proposed constructions, Schlumberger reserves the right to supplement, amend, and/or otherwise modify these preliminary constructions and identification of extrinsic evidence. Schlumberger reserves the right to additionally rely on intrinsic evidence, including patents and other references cited by the patents-in-suit. Schlumberger reserves the right to rely on extrinsic evidence identified by EnerPol. Any proposed constructions of terms, phrases, or clauses with respect to such claims and limitations should in no way be read to imply that the claims satisfy 35 U.S.C. § 112, and any indication that any term, phrase, or clause does not satisfy 35 U.S.C. § 112 should in no way be read as an admission that any other claims satisfy 35 U.S.C. § 112.

Schlumberger's Preliminary Proposed Constructions and Extrinsic Evidence

U.S. Pat. No. 6,949,491

TERM	PROPOSED CONSTRUCTION	EXTRINSIC EVIDENCE
<p>“solid form”</p> <p>(Claim 24)</p>	<p>“solid form” means “solid bulk form.”</p>	<p>None – this position is based on the prosecution history of the '491 patent.</p>
<p>“selected”</p> <p>“at a <i>selected</i> depth in the wellbore above the formation”</p> <p>(Claim 22)</p> <p>“having a <i>selected</i> specific gravity”/ “the <i>selected</i> specific gravity”</p> <p>“a <i>selected</i> location in the wellbore”/“the <i>selected</i> location in the wellbore”</p> <p>(Claim 24(b)-(d))</p>	<p>Plain and ordinary meaning, which for clarity is “chosen (intentionally) from a range of options.”</p>	<ul style="list-style-type: none"> • The New Oxford American Dictionary (2001) – “select” • Merriam-Webster's Collegiate Dictionary, 10th edition (1993) – “select”
<p>“low-viscosity”</p> <p>(Claim 23)</p>	<p>Indefinite.</p> <p>But to the extent this term is not indefinite, then it</p>	<ul style="list-style-type: none"> • U.S. Pat. No. 3,497,007 (Cooke)

	means “less than 0.1 poise.”	
“continuous liquid phase ... comprising the carrier fluid dispersed in the degradable polymer” (Claim 24(c))	<p>Schlumberger contends that this term has a plain and ordinary meaning.</p> <p>For clarity, “continuous liquid phase comprising the carrier fluid dispersed in the degradable polymer” means the continuous liquid phase includes, but is not limited to, a degradable polymer that is entirely in liquid form with carrier fluid dispersed within it.</p>	<ul style="list-style-type: none"> • A Dictionary of Chemistry, 3rd ed. (1996) – “phase” • McGraw Hill Dictionary of Chemistry 2nd ed. (2003) – “phase” • Dictionary for the Petroleum Industry 2nd ed. (1997) – “continuous phase” • Glossary of Terms & Expressions Used in Well Logging, 2nd ed. (1984) – “continuous phase” • U.S. Pat. App. Pub. US 2004/0231849 A1 (Cooke)
“polymer –continuous” (Claim 1 (b))	<p>“polymer-continuous liquid phase” is a single limitation. EnerPol’s apparent attempt to split this limitation is improper.</p>	<ul style="list-style-type: none"> • See citations for “continuous liquid phase ... comprising the carrier fluid dispersed in the degradable polymer” above.
“liquid phase” (Claim 1(b)) / (Claim 24(c))	<p>“polymer-continuous liquid phase” has a plain and ordinary and requires no specialized construction.</p> <p>For clarity, “polymer-continuous liquid phase” means a polymer that is</p>	

	entirely in liquid form.	
<p>“continuous” (Claim 24(c))</p>	<p>“continuous liquid phase” is a single limitation. EnerPol’s apparent attempt to split this limitation is improper.</p> <p>“continuous liquid phase” has a plain and ordinary and requires no specialized construction.</p> <p>For clarity, the “continuous liquid phase” is comprised of recited components that are entirely in liquid form. <i>See</i> “continuous liquid phase ... comprising the carrier fluid dispersed in the degradable polymer.”</p>	<ul style="list-style-type: none"> • <i>See</i> citations for “continuous liquid phase ... comprising the carrier fluid dispersed in the degradable polymer” above.

DATED: November 8, 2017

Respectfully submitted,

/s/ Maximilian A. Grant

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 8th day of November, 2017, with a copy of this document via electronic mail per Local Rule CV-5(d).

/s/ David A. Zucker
David A. Zucker